REMARKS

Upon entry of this amendment claims 1-19, 21- 24, 26 and 27 remain in the application. Claims 1, 4, 19, 22 and 23 have been amended by this action. Claim 20 has been cancelled.

Entry pursuant to 37 CFR 1.116 is sought in this response. It is submitted that this amendment claims in a condition suitable for allowance or, in the alternative, seeks to place the application in a condition more suitable for appeal by cancelling claims and/or removing issues for consideration on appeal. Entry of this amendment is respectfully requested.

The subject matter of claims 4, 20 and 22 has been indicated to be allowable if rewritten in independent form addressing issues raised under the provisions of 35 USC 112, second paragraph. Claims 4 and 22 are amended to address the rejection under 35 USC 112 and place it in condition suitable for allowance. Claim 23 has been amended to depend for allowable claim 22.

Claim 19 has been amended to incorporate the allowable language of dependant claim 20 and to address the rejection under 35 USC 112.

Claim 1 has been amended to address the rejection under section 112.

Entry of these claim amendments under the provisions of 37 CFR 1.116 is requested.

Rejections under 35 USC 112 are addressed by the proposed claim amendments. If further amendment or modification of the claims is required to address this issue, the Examiner is invited to contact the Applicant's attorney to resolve these issues.

Rejection under 35 USC 102(b)/103(a) -- Dunning. Claim 19 has been amended to contain all of the limitations found in allowable claim 20. It is submitted that the Applicant's invention as set forth in Claims 19 and 21 as amended is not taught, anticipated or rendered obvious by the Dunning reverence.

Claims 1, 2 , 7-12, 18, 24, 26 and 27 -- rejected under 35 USC 103(a) over Horner in view of Collito.

The Examiner indicates that the Horner reference at column 6 indicates that the invention is not limited to embodiments involving a single heating or cooling element. This is construed as clearly suggesting the possibility of two or more channels disposed on the conduit. Collito is cited as demonstrating that it is known in the art to provide plural abutting conduits to transfer heat.

It is submitted that the cited references taken alone or in combination fail to support the prima facie case for rejection under Section 103 advanced in this matter. With regard to claim 1, the Horner and Collito references lack any teaching or suggestion of a cover that is closable about said plurality of said elongate fluid transfer profiles and is adapted to position and maintain the concave exterior surface of each of said fluid transfer profiles in thermal contact with a fluid conduit. Thus the rejection advanced lacks support for inclusion of a closable cover element of the invention as set forth in Claim 1. As such, it is submitted that the rejection is inappropriate as failing to provide a prima facie case of obviousness for the invention as set forth in claim 1.

Claim 10 is directed to a temperature control system for adjusting or maintaining the temperature of a fluid that includes a flexible insulating cover fastened about the conduit and the profile, the cover maintaining the profile in thermal contact with the conduit. The cover is configured to extend around the circumference of the conduit and contain the elongate fluid transfer profile with the cover extending longitudinally there along. Neither the Horner nor the Collito references teach or suggest a cover member that extends around the circumference of the conduit and contain the elongate fluid transfer profile. It is submitted that the Examiner has failed to present a prima facie case for obviousness as the cited references lack any teaching or suggestion of the cover so defined.

Claim 27 is directed to a temperature control system for adjusting or maintaining the temperature of a fluid that includes a cover assembly that includes at least one elongate fluid transfer profile having an exteriorly disposed outer face and an interiorly oriented inner facet that are parallel to one another. The cover assembly also has a cover that is closable about the fluid transfer profile and adapted to position and maintain said concave exterior surface region in thermal contact with a fluid conduit. The Horner and Collito references lack any teaching of a cover assembly as defined in claim 27. It is submitted that the cited references fail to teach or suggest a cover assembly that is closable in the manner clamed.

Claim 24 is directed to a method of regulating the temperature of the contents of a fluid carrying conduit that includes the step of securing a flexible cover around an outer periphery defined by the profile and the conduit to position and maintain the same in thermal contact. It is submitted that the cited references lack any teaching of a method or a device having such an element. Without such a teaching the Examiner has failed to present a prima facie case for obviousness.

Claims 2, 7-9 depend from claim 1 to contain all of the limitations found therein. It is submitted that the invention set forth in claims 2, 7-9 is not taught, anticipated or rendered obvious for the reasons discussed previously in conjunction with claim 1.

Claim 18 depends from claim 10 to contain all of the limitations found therein. It is submitted that the invention set forth in claim 18 is not taught, anticipated or rendered obvious for the reasons discussed previously in conjunction with claim 10.

Claims 11, 12 depend from claim 27 to contain all of the limitations found therein. It is submitted that the invention set forth in claim 11, 12 is not taught, anticipated or rendered obvious for the reasons discussed previously in conjunction with claim 27.

Claims 26 depends from claim 24 to contain all of the limitations found therein. It is submitted that the invention set forth in claims 24 is not taught, anticipated or rendered obvious for the reasons discussed previously in conjunction with claim 24.

Claims 3, 5, 6 and 13-17 -- rejection under 35 USC 103(a) over Dunning in view of Collito.

Claims 3, 5 and 6 depend from claim 1 to contain all of the limitations found in therein. The applicant's invention as set forth in claim 3 is cover assembly having a plurality of elongate fluid transfer profiles wherein each profile has a concave exterior surface region. The cover assembly also includes a cover closable around the elongate fluid transfer profiles. The cover is adapted to position and maintain the concave surface of each of the fluid transfer profiles in thermal contact with the fluid conduit. In claim 3, the cover further includes means for positioning each of the plurality of profiles at substantially radially symmetric positions about the fluid conduit. The Examiner argues that it would have been obvious to shape the pipes of Dunning in a fashion similar to those of Collito in order to enhance heat transfer characteristics. It is submitted that the cited references fail to teach or suggest a cover assembly that includes a plurality of elongate fluid transfer profiles in which each profile has a hollow interior for the passage of a thermal transfer fluid and an opposed exterior surface and includes means for disposing the profiles at substantially radial symmetric positions about the conduit. The profile exterior surface includes a concave exterior surface region extending along a length thereof. It is submitted that the cited references fail to teach or suggest a device having these elements. It is submitted that the Examiner has failed to present a prima facie case for obviousness in advancing this rejection. The reverences fail to teach or suggest a device that includes means for positioning the plurality of conduits and maintain the concave exterior surface in thermal contact with the conduit. The Examiner has failed to present a reference that teaches or suggests the positioning means set forth in claim 3.

Claims 5 and 6 depend from claim 3, and ultimately from claim 1, to contain all of the limitations found therein. By this dependency, it is submitted that the invention as set forth in these claims is not taught, anticipated or rendered obvious by the cited references for the reasons discussed previously in conjunction with claims 1 and 3.

Claims 13-17 depend from claim 27 to contain all of the limitations found therein. It is submitted that the cited references fail to teach or suggest a device having at least one elongate fluid transfer profile, the profile composed of a profile wall defining a hollow interior configured for passage of a thermal transfer fluid, the profile wall having an exteriorly disposed outer face and an interiorly oriented inner face wherein the outer face and the inner face are disposed essentially parallel to one another, said profile including a concave exterior surface extending along a length thereof; and a cover closable about said fluid transfer profile and adapted to position and maintain said concave exterior surface region in thermal contact with a fluid conduit.

Claim 23 rejected under 103(a) over Dunning in view of Stine

Claim 23 depends from claim 22 to contain all of the limitations found therein. Claim 22 has been considered allowable. It is submitted that claim 23 is allowable by this dependence.

In summary, claims 1, 4, 19, 22 and 23 have been amended by this action. Claim 20 has been cancelled. Arguments have been presented as to why the invention as set forth in claims 1- 19, and 21-27 is not taught, anticipated or rendered obvious by the cited references. It is submitted that, by this action that Applicant's invention as set forth in these claims is in a condition suitable for allowance. A notice of allowance is requested.

Respectfully submitted,

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